



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

Appendix A ... segment II

LRB BILL HISTORY RESEARCH APPENDIX

The drafting file for 2013 LRB-2478/P3 (For: Rep. Vruwink)

has been copied/added to the drafting file for

2013 LRB-1449 (For: Re. Vruwink)

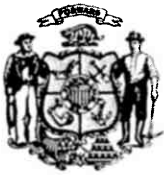
Are These "Companion Bills" ?? ... No



RESEARCH APPENDIX - PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 10/02/2013 (Per: TJD)

The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as a appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2478/P2
TJD&MED:sac:ml

Stacy
1/2

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Reign

1 AN ACT *to amend* 20.165 (1) (g), 440.03 (9) (a) (intro.) and 440.05 (intro.); and *to*
2 *create* 15.405 (18), 20.165 (1) (b), 440.03 (9) (bm), 440.08 (2) (a) 46t. and chapter
3 463 of the statutes; **relating to:** creating a medicolegal investigation
4 examining board; licensure of coroners, medical examiners, and medicolegal
5 investigation staff members; granting rule-making authority; making an
6 appropriation, and providing a penalty.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

7 SECTION 1. 15.405 (18) of the statutes is created to read:

1 15.405 (18) MEDICOLEGAL INVESTIGATION EXAMINING BOARD. There is created a
2 medicolegal investigation examining board in the department of safety and
3 professional services that shall consist of the following members appointed for
4 6-year terms:

(a) One coroner, one medical examiner, and one forensic pathologist, each of whom are members of the Wisconsin Coroners and Medical Examiners Association.

7 (b) One licensed funeral director.

8 (c) One member of the Wisconsin District Attorneys' Association.

9 (d) One member of the Wisconsin Sheriffs and Deputy Sheriffs Association.

10 (e) One member of the Wisconsin Chiefs of Police Association.

11 (f) One member of the Wisconsin Counties Association.

12 (g) The attorney general or his or her designee.

13 (h) The state public defender or his or her designee.

14 (i) One public member.

15 **SECTION 2.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
16 the following amounts for the purposes indicated:

17 2013-14 2014-15

18 **20.165 Safety and professional services,**

19 department of

20 (1) PROFESSIONAL REGULATION AND ADMINISTRATIVE
21 SERVICES

22 (b) **Medicolegal investigation**

| | | | | | |
|----|-----------------|-----|---|---------|---------|
| 23 | examining board | GPR | B | 750,000 | 750,000 |
|----|-----------------|-----|---|---------|---------|

24 **SECTION 3.** 20.165 (1) (b) of the statutes is created to read:

training and education to individuals

general purpose revenue

Balic

1 20.165 (1) (b) *Medicolegal investigation examining board*. Biennially, the
2 amounts in the schedule to provide the first 40 hours of education for each licensed
3 coroner, nonphysician medical examiner, and medicolegal investigation staff
4 member under s. 463.10, to establish regional training centers under s. 463.05 (1) (b);
5 and to support the medicolegal investigation examining board in performing its
6 duties and functions. *ARX* *Ins 3-6*

7 **SECTION 4.** 20.165 (1) (g) of the statutes is amended to read:

8 20.165 (1) (g) *General program operations.* The amounts in the schedule for
9 the licensing, rule making, and regulatory functions of the department, other than
10 the licensing, rule-making, and credentialing functions of the medical examining
11 board and the affiliated credentialing boards attached to the medical examining
12 board and except for preparing, administering, and grading examinations. Ninety
13 percent of all moneys received under chs. 440 to 480, except ch. chs. 448 and 463, ss.
14 440.03 (13), 440.05 (1) (b), and 446.02 (3) (a), less \$10 of each renewal fee received
15 under s. 452.12 (5), and all moneys transferred from the appropriation under par. (i)
16 and all moneys received under s. 440.055 (2), shall be credited to this appropriation.

17 **SECTION 5.** 440.03 (9) (a) (intro.) of the statutes is amended to read:

18 440.03 (9) (a) Subject to pars. (b) and (c) and except as provided in par. (bm),
19 the department shall, biennially, determine each fee for an initial credential for
20 which no examination is required, for a reciprocal credential, and for a credential
21 renewal by doing all of the following:

22 **SECTION 6.** 440.03 (9) (bm) of the statutes is created to read:

23 440.03 (9) (bm) The medicolegal investigation examining board may determine
24 the amount of any fees imposed for licenses issued under s. 463.10, in accordance
25 with s. 463.05 (2) (a).

ns
305

as affected by 2013 Wisconsin Act 20,

SECTION 7. 440.05 (intro.) of the statutes is amended to read:

440.05 Standard fees. (intro.) The following standard fees apply to all initial credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 444.03, 444.11, 446.02 (2) (c), 447.04 (2) (c) 2., 449.17 (1m) (d), and 449.18 (2) (d), and 463.05 (2) (a):

SECTION 8. 440.08 (2) (a) 46t. of the statutes is created to read:

440.08 (2) (a) 46t. Medicolegal investigation: 4 years from the date of issuance of the initial license and, for subsequent renewals, every 4 years thereafter.

SECTION 9. Chapter 463 of the statutes is created to read:

CHAPTER 463

MEDICOLEGAL INVESTIGATION

463.01 Definitions. In this chapter:

(1) "Board" means the medicolegal investigation examining board.

(2) "Medical examiner" means a nonphysician medical examiner or a physician medical examiner.

(3) "Medicolegal investigation staff member" includes a chief deputy coroner, a deputy coroner, a deputy medical examiner, a medicolegal investigator, and any individual who assists the office of a coroner or medical examiner with an investigation of a death. "Medicolegal investigation staff member" does not include an individual performing solely administrative functions in the office of a coroner or medical examiner.

(4) "Nonphysician medical examiner" means an appointed medical examiner who is not a physician.

(5) "Physician" has the meaning given in s. 448.01 (5).

(6) "Physician medical examiner" means an appointed medical examiner who is a physician.

appointed under s.
59.34 (1) (a)
or 59.38 (5)

appointed under s.
59.34 (1) (a) or 59.38 (5)

1 **463.05 Powers and duties of board. (1) DUTIES.** The board shall do all of
2 the following:

3 (a) Promulgate rules specifying standards and curricula for the ^{training and} education ^{to be satisfied by}
4 requirements ^{for} individuals who possess a license in medicolegal investigation.

5 (b) Establish regional training centers to provide the education described in s.
6 463.10 (3) and (4) ^{Coordinate and provide on a regional basis the} ^{(a) 1, and (b) 2} ^{and}

7 (c) Monitor compliance with the licensure requirements under this chapter. Ins 5-8

Ins 5-6 8 (d) Oversee coordination of training and standards for coroners, medical
9 examiners, and medicolegal investigation staff members by certifying instructors
10 and approving curricula.

11 (e) If a license issued under s. 463.10 is not renewed, do whichever of the
12 following is applicable with respect to the holder of the license:

13 1. If the holder of the license is a coroner, send a statement to the governor
14 recommending removal of the coroner from office because of the coroner's failure to
15 renew the license.

16 2. If the holder of the license is a nonphysician medical examiner, send a
17 statement to the county board or county executive, if applicable, of any county in
18 which the individual serves recommending dismissal of the nonphysician medical
19 examiner because of the nonphysician medical examiner's failure to renew the
20 license.

21 3. If the holder of the license is a medicolegal investigation staff member, send
22 a notice to the office in which the individual works notifying the coroner or medical
23 examiner of the staff member's failure to renew the license. ^{training and}

****NOTE: Because you said that the license should be renewable on a 4-year cycle
and that the Board may in the future require a licensure fee, I had to restructure a
* number of provisions. Now, submitting compliance with the education requirements

and any required fee are conditions of renewal (as is typically the case with other credentials) and the Board must notify the Governor, county board, or office of the failure to renew the license, instead of having the Board revoke the license. Are these changes OK?

***NOTE: Nothing in the bill requires the Board to be notified when an individual who must be licensed is elected, hired, or appointed, and nothing requires the Board to be notified if such an individual leaves his or her position. Do you want anything in the bill to address this?

1 (2) POWERS. The board may do any of the following:

2 (a) Impose fees for initial licenses or for license renewals under s. 463.10 (2) and

3 (4). If the board imposes any fee under this paragraph, the board shall set the fee

4 at an amount commensurate with the cost of issuing licenses and monitoring

5 compliance with the requirements under this section. ^{chapter}

***NOTE: Please review this provision, which allows the Board to establish licensing fees for initial licenses and license renewals. Does this accomplish your intent? Also, note that, as drafted, SECTION 4 of the bill directs that all licensure fees would be deposited directly into the general fund and SECTION 5 provides an independent, biennial GPR appropriation. Do you instead want to direct those fees for the functions of the Board created in the bill?

6 (b) Promulgate and enforce any rules not inconsistent with this chapter to
7 enforce this chapter.

8 **463.10 License required; requirements to maintain license. (1) LICENSE**

9 REQUIRED. (a) Except as provided in par. (b), no person may perform a death

10 investigation or perform the functions of a coroner, medical examiner, or medicolegal

11 investigation staff member without a license in medicolegal investigation issued

12 under this section.

***NOTE: See created section 463.15, below, which makes it a misdemeanor to practice as a coroner, medical examiner, or medicolegal investigation staff member without a license or to perform a death investigation without a license. Since performing death investigations is presumably one of the functions of coroners, medical examiners, and medicolegal investigation staff members, would it make more sense to remove the reference to performing a death investigation without a license? Do you want to specify in further detail what the functions of a coroner, medical examiner, or medicolegal investigation staff member are, for purposes of this provision?

13 (b) A physician medical examiner is not required to have a ^{license in} medicolegal
14 investigation license issued under this chapter. ^{a section}

(2) ISSUING OF LICENSES. (a) *Initial license.* The board shall issue a license in medicolegal investigation to an individual if all of the following are satisfied:

1. The individual is elected as a coroner, is appointed to fill a vacancy as a coroner, is appointed ^{as a nonphysician} to the position of medical examiner and is not a physician, or is hired by a coroner or medical examiner to serve as a medicolegal investigation staff member. ^{Before any renewal license is delivered to an individual, the individual shall pay any fee established}

2. The individual pays any fee imposed by the board under s. 463.05 (2) (a).

(b) *License renewal.* The renewal date for a license issued under this subsection is specified under s. 440.08 (2) (a), and the fee for renewal of a license, if any, is determined by the board under s. 463.05 (2) (a). ^{Before any renewal license is delivered to an individual, the individual shall} ^{and} furnish to the board proof of completing all hours of education ^{training or} that are required under sub. (3) (a), subject to any waiver granted under sub. (3) (b). ^{INS 7-14}

(3) EDUCATION REQUIREMENTS. (a) Each coroner, nonphysician medical examiner, and medicolegal investigation staff member who possesses a license in medicolegal investigation issued under sub. (2) shall satisfy all of the following requirements:

1. In the 4-year period beginning on the date the license is issued, and in each 4-year period thereafter, complete 24 hours of education as prescribed by the board.

2. In the 4-year period beginning on the date the licensed is issued, satisfy any of the following:

a. In addition to the hours of education specified in subd. 1., complete 16 hours of education as prescribed by the board.

b. Obtain a waiver in the method described under par. (b).

1 (b) The board may grant a waiver of the education requirement under par. (a)
2 2. a. to a coroner, nonphysician medical examiner, or medicolegal investigation staff
3 member who holds a credential, in good standing, from a nationally recognized
4 accreditation organization specializing in death investigation education and who
5 applies to the board for a waiver from the additional education requirement under
6 par. (a) 2. a. in the method prescribed by the board.

7 (4) OPTIONAL LICENSE. (a) *Initial license.* The board may issue a license in
8 *other than an individual required to hold a license under sub. (1).* medicolegal investigation to an individual who satisfies all of the following criteria:

9 1. The individual successfully completes 40 hours of *e training* education, as prescribed
10 by the board, and any additional requirements set by the board.

11 2. The individual applies to the board for a license in the manner prescribed
12 by the board.

13 3. The individual pays any licensing fee imposed by the board under s. 463.05
14 (2) (a).

15 (b) *License renewal.* The renewal date for a license issued under this subsection
16 is specified under s. 440.08 (2) (a), and the fee for renewal of a license, if any, is
17 *e* determined by the board under s. 463.05 (2) (a). Before any renewal license is
18 delivered to an individual, the individual shall do all of the following:

19 1. *e* Furnish to the board proof of completing, in the 4-year period preceding the
20 renewal date, the educational requirement under sub. (3) (a) 1.

21 *e3.* 2. Fulfill any other requirements of licensure as prescribed by the board.

22 **463.15 Penalty.** Any person who violates s. 463.10 (1) (a) shall be fined not
23 more than \$1,000 or imprisoned not more than 90 days.

24 **SECTION 10. Nonstatutory provisions.**

INS
8-19

1 (1) EXAMINING BOARD; INITIAL TERMS. Notwithstanding the length of terms
2 specified for the members of the medicolegal investigation examining board under
3 section 15.405 (18) of the statutes, as created by this act, initial appointments to the
4 medicolegal investigation examining board shall be made as follows:

5 (a) The forensic pathologist member under section 15.405 (18) (a) of the
6 statutes, as created by this act; the member under section 15.405 (18) (c) of the
7 statutes, as created by this act; the member under section 15.405 (18) (e) of the
8 statutes, as created by this act; and the member under section 15.405 (18) (i) of the
9 statutes, as created by this act, shall be appointed for terms expiring on May 1, 2016.

10 (b) The coroner member under section 15.405 (18) (a) of the statutes, as created
11 by this act; the member under section 15.405 (18) (b) of the statutes, as created by
12 this act; the member under section 15.405 (18) (d) of the statutes, as created by this
13 act; and the member under section 15.405 (18) (h) of the statutes, as created by this
14 act, shall be appointed for terms expiring on May 1, 2018.

15 (c) The medical examiner member under section 15.405 (18) (a) of the statutes,
16 as created by this act; the member under section 15.405 (18) (f) of the statutes, as
17 created by this act; and the member under section 15.405 (18) (g) of the statutes, as
18 created by this act, shall be appointed for terms expiring on May 1, 2020.

19 (2) CURRENTLY SERVING INDIVIDUALS. (a) In this subsection:

20 1. "Medical examiner" means a nonphysician medical examiner or a physician
21 medical examiner.

22 2. "Medicolegal investigation staff member" includes a chief deputy coroner, a
23 deputy coroner, a deputy medical examiner, a medicolegal investigator, and any
24 individual who assists the office of a coroner or medical examiner with an
25 investigation of a death. "Medicolegal investigation staff member" does not include

1 an individual performing solely administrative functions in the office of a coroner or
2 medical examiner.

3 3. "Nonphysician medical examiner" means an appointed medical examiner
4 who is not a physician.

5 4. "Physician" has the meaning given in section 448.01 (5) of the statutes.

6 5. "Physician medical examiner" means an appointed medical examiner who
7 is a physician.

8 (b) Notwithstanding section 463.10 (2) ^(a) of the statutes, as created by this act,

9 the medicolegal investigation examining board shall issue an initial license in
10 medicolegal investigation ^{under section 463.10 (2) of the statutes as created by this act} to every individual who is serving as coroner,

11 nonphysician medical examiner, and medicolegal investigation staff member in this

12 state on the effective date of this paragraph. No fee may be charged for an initial

13 license issued under this paragraph.

14 (c) Notwithstanding section 463.10 (3) (a) 1. and 2. (intro.) of the statutes, as
15 created by this act, for a nonphysician medical examiner, medicolegal investigation
16 staff member, or coroner who is issued a license under paragraph (b), the 4-year
17 period, for purposes of section 463.10 (3) (a) 1. and 2. (intro.) of the statutes, as
18 created by this act, begins on on the effective date of this paragraph.

19 SECTION 11. Effective date.

20 (1) This act takes effect on the first day of the 13th month beginning after
21 publication.

22 *****NOTE: To provide time for appointment of the board, creation of the training programs and education requirements, and other elements of the draft, there should be a delayed effective date. I have inserted a one-year delay for purposes of discussion, but you may want to discuss with DSPS to determine how long it would take to implement the requirements in this draft. You may also want to use an effective date that coincides with the renewal date.*

(END)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2478/P2insA
MED:.....

INSERT 3-6

1 **SECTION 1.** 20.165 (1) (g) of the statutes, as affected by 2013 Wisconsin Act 20,
2 is amended to read:

3 20.165 (1) (g) *General program operations.* The amounts in the schedule for
4 the licensing, rule making, and regulatory functions of the department, other than
5 the licensing, rule-making, and credentialing functions of the medical examining
6 board and the affiliated credentialing boards attached to the medical examining
7 board and except for preparing, administering, and grading examinations. Ninety
8 percent of all moneys received under chs. 440 to 480, except ~~ch.~~ chs. 448 and 463 and
9 ss. 440.03 (13), and 440.05 (1) (b), ~~and~~, less \$10 of each renewal fee received under
10 s. 452.12 (5); all moneys transferred from the appropriation under par. (i); and all
11 moneys received under s. 440.055 (2), shall be credited to this appropriation.

History: 2013 a. 20.

12 **SECTION 2.** 20.165 (1) (hr) of the statutes is created to read:

13 20.165 (1) (hr) *Medicolegal investigation examining board; program revenues.*

14 All moneys received from fees imposed for providing training and education under
15 s. 463.05 (2) (b) and all moneys received from fees imposed for licenses issued under
16 s. 463.10 to provide training and education to individuals licensed under s. 463.10
17 and to support the medicolegal investigation examining board in performing its
18 duties and functions.

 ***NOTE: This provision creates a program revenue appropriation (in addition to
the other, GPR appropriation) to receive all moneys imposed by the Board that the Board
charges for providing training and education and from any licensure fees imposed by the
Board and appropriates those moneys back to the Board. Is this consistent with your
intent?

INSERT 3-25

19 **SECTION 3.** 440.03 (13) (b) 38m. of the statutes is created to read:

1 440.03 (13) (b) 38m. Medicolegal investigator.

 ****NOTE: I added this provision, which allows DSPS to conduct investigations of individuals to check for criminal records, as with other credentials. Please let me know if this contrary to your intent or if other changes are needed regarding this.

INSERT 4-7

 ****NOTE: Please confirm that January 2015, and every 4 years thereafter, is the correct renewal date that should apply to all licensees. Also, because the exact date that a coroner would take office could vary (it is the first Monday in January), I chose a specific renewal date of January 1. Is that OK?

INSERT 5-6

 ****NOTE: Please review the changes here. Just to reiterate, this provision creates an ongoing requirement that the Board provide required training and education.

INSERT 5-8

2 (d) Approve instructor certification standards that must be satisfied in order
3 for a person to conduct the training and education required under s. 463.10 (3) and
4 (4) (a) 1. and (b) 2.

INSERT 6-5

5 (b) Impose a fee for the receipt of training and education provided under sub.
6 (1) (b).

INSERT 7-14

7 **(3) TRAINING AND EDUCATION REQUIREMENTS.** (a) Subject to par. (d), an individual
8 applying for an initial renewal of a license issued under sub. (2) shall satisfy all of
9 the following:
10 1. Complete 24 hours of training, as prescribed by the board.
11 2. In addition to the hours of training required under subd. 1., do one of the
12 following:
13 a. Complete 16 hours of training, as prescribed by the board.

1 b. Obtain a waiver from the requirement under subd. 2. a. in the method
2 described under par. (c).

3 (b) An individual applying for a renewal of a license issued under sub. (2)
4 subsequent to the renewal under par. (a) shall complete 24 hours of education as
5 prescribed by the board.

6 (c) The board may grant a waiver of the training requirement under par. (a) 2.
7 a. to a coroner, nonphysician medical examiner, or medicolegal investigation staff
8 member who holds a credential, in good standing, from a nationally recognized
9 accreditation organization specializing in death investigation education and who
10 applies to the board for a waiver in the method prescribed by the board.

11 (d) If an individual is issued an initial license under sub. (2) (a) when there is
12 less than one year remaining until the next license renewal date, ^{2 par.} paragraph (a) does
13 not apply to the individual until the individual's first renewal following a full, 4-year
14 licensure term.

****NOTE: Please review the changes to this subsection carefully and let me know
if any further changes are needed.

INSERT 8-19

15 1. Pay any fee established by the board under s. 463.05 (2) (a).

16 2. Furnish to the board proof of completing, in the 4-year period preceding the
17 renewal date, 24 hours of education, as prescribed by the board. This subdivision
18 does not apply to an individual applying for an initial renewal who is issued a license
19 under par. (a) when there is less than one year remaining until the next license
20 renewal date.

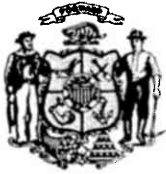
****NOTE: Please review this provision, which addresses renewal requirements for
individuals who obtain a license on their own.

INSERT 10-13

1 (a) 1 . Notwithstanding section 463.10 (2) (a) 2. of the statutes, as created by
2 this act, no initial license fee may be imposed for individuals issued an initial license
3 under paragraph (1). *Autoref x*

4 2 . Notwithstanding s. 463.05 (2) (b), as created by this act, no fee may be
5 imposed for training provided by the board under s. 463.10 (3) (a) 1. and 2., as created
6 by this act, for individuals issued an initial license under paragraph (1).

Autoref x



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2478/E2
TJD&MED:sacjlm

In 8-19-13

By 8-23-13 if possible (wanted by 8-30
but I'm gone next week)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-nub
Inserts

Regen

1 **AN ACT to amend** 20.165 (1) (g), 440.03 (9) (a) (intro.) and 440.05 (intro.); and **to**
2 **create** 15.405 (18), 20.165 (1) (b), 20.165 (1) (hr), 440.03 (9) (bm), 440.03 (13)
3 (b) 38m., 440.08 (2) (a) 46t. and chapter 463 of the statutes; **relating to:**
4 creating a medicolegal investigation examining board; licensure of coroners,
5 medical examiners, and medicolegal investigation staff members; granting
6 rule-making authority; making an appropriation; and providing a penalty.

Analysis by the Legislative Reference Bureau

Ins Analysis

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

7 **SECTION 1.** 15.405 (18) of the statutes is created to read:

1 15.405 (18) MEDICOLEGAL INVESTIGATION EXAMINING BOARD. There is created a
2 medicolegal investigation examining board in the department of safety and
3 professional services that shall consist of the following members appointed for
4 6-year terms:

(a) One coroner, one medical examiner, and one forensic pathologist, each of whom are members of the Wisconsin Coroners and Medical Examiners Association.

7 (b) One licensed funeral director.

8 (c) One member of the Wisconsin District Attorneys' Association.

9 (d) One member of the Wisconsin Sheriffs and Deputy Sheriffs Association.

10 (e) One member of the Wisconsin Chiefs of Police Association.

11 (f) One member of the Wisconsin Counties Association.

12 (g) The attorney general or his or her designee.

13 (h) The state public defender or his or her designee.

14 (i) One public member.

15 **SECTION 2.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert

16 the following amounts for the purposes indicated:

17 2013-14 2014-15

18 **20.165 Safety and professional services,**

19 department of

20 (1) PROFESSIONAL REGULATION AND ADMINISTRATIVE

21 SERVICES

22 (b) Medicolegal investigation

| | | | | | |
|----|-----------------|-----|---|---------|---------|
| 23 | examining board | GPR | B | 750,000 | 750,000 |
|----|-----------------|-----|---|---------|---------|

SECTION 3. 20.165 (1) (b) of the statutes is created to read:

1 20.165 (1) (b) *Medicolegal investigation examining board; general purpose*
2 *revenue.* Biennially, the amounts in the schedule to provide training and education
3 to individuals licensed under s. 463.10 and to support the medicolegal investigation
4 examining board in performing its duties and functions.

5 **SECTION 4.** 20.165 (1) (g) of the statutes, as affected by 2013 Wisconsin Act 20,
6 is amended to read:

7 20.165 (1) (g) *General program operations.* The amounts in the schedule for
8 the licensing, rule making, and regulatory functions of the department, other than
9 the licensing, rule-making, and credentialing functions of the medical examining
10 board and the affiliated credentialing boards attached to the medical examining
11 board and except for preparing, administering, and grading examinations. Ninety
12 percent of all moneys received under chs. 440 to 480, except ~~ch. 448 and 463~~ and
13 ss. 440.03 (13), and 440.05 (1) (b), ~~and~~, less \$10 of each renewal fee received under
14 s. 452.12 (5); all moneys transferred from the appropriation under par. (i); and all
15 moneys received under s. 440.055 (2), shall be credited to this appropriation.

16 **SECTION 5.** 20.165 (1) (hr) of the statutes is created to read:

17 20.165 (1) (hr) *Medicolegal investigation examining board; program revenues.*
18 All moneys received from fees imposed for providing training and education under
19 s. 463.05 (2) (b) and all moneys received from fees imposed for licenses issued under
20 s. 463.10 to provide training and education to individuals licensed under s. 463.10
21 and to support the medicolegal investigation examining board in performing its
22 duties and functions.

****NOTE: This provision creates a program revenue appropriation (in addition to the other, GPR appropriation) to receive all moneys imposed by the Board that the Board charges for providing training and education and from any licensure fees imposed by the Board and appropriates those moneys back to the Board. Is this consistent with your intent?


1 **SECTION 6.** 440.03 (9) (a) (intro.) of the statutes is amended to read:

2 440.03 (9) (a) Subject to pars. (b) and (c) and except as provided in par. (bm),
3 the department shall, biennially, determine each fee for an initial credential for
4 which no examination is required, for a reciprocal credential, and for a credential
5 renewal by doing all of the following:

6 **SECTION 7.** 440.03 (9) (bm) of the statutes is created to read:

7 440.03 (9) (bm) The medicolegal investigation examining board may determine
8 the amount of any fees imposed for licenses issued under s. 463.10, in accordance
9 with s. 463.05 (2) (a).

10 **SECTION 8.** 440.03 (13) (b) 38m. of the statutes is created to read:


11 440.03 (13) (b) 38m. Medicolegal investigator. 

***NOTE: I added this provision, which allows DSPS to conduct investigations of individuals to check for criminal records, as with other credentials. Please let me know if this contrary to your intent or if other changes are needed regarding this.

12 **SECTION 9.** 440.05 (intro.) of the statutes, as affected by 2013 Wisconsin Act 20,
13 is amended to read:

14 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
15 credentials, except as provided in ss. 440.51, 444.03, 444.11, 446.02 (2) (c), 447.04 (2)
16 (c) 2., 449.17 (1m) (d), ~~and~~ 449.18 (2) (d), and 463.05 (2) (a):

17 **SECTION 10.** 440.08 (2) (a) 46t. of the statutes is created to read:

18 440.08 (2) (a) 46t. Medicolegal investigation: January 1, 2015, and every 4
19 years thereafter. 

***NOTE: Please confirm that January 2015, and every 4 years thereafter, is the correct renewal date that should apply to all licensees. Also, because the exact date that a coroner would take office could vary (it is the first Monday in January), I chose a specific renewal date of January 1. Is that OK?

20 **SECTION 11.** Chapter 463 of the statutes is created to read:

CHAPTER 463

MEDICOLEGAL INVESTIGATION

463.01 Definitions. In this chapter:

(1) "Board" means the medicolegal investigation examining board.

(2) "Medical examiner" means a nonphysician medical examiner or a physician medical examiner.

(3) "Medicolegal investigation staff member" includes a chief deputy coroner, a deputy coroner, a deputy medical examiner, and any individual who assists the office of a coroner or medical examiner with an investigation of a death. "Medicolegal investigation staff member" does not include an individual performing solely administrative functions in the office of a coroner or medical examiner.

(4) "Nonphysician medical examiner" means a medical examiner appointed under s. 59.34 (1) (a) or 59.38 (5) who is not a physician.

(5) "Physician" has the meaning given in s. 448.01 (5).

(6) "Physician medical examiner" means a medical examiner appointed under s. 59.34 (1) (a) or 59.38 (5) who is a physician.

463.05 Powers and duties of board. (1) DUTIES. The board shall do all of the following:

(a) Promulgate rules specifying standards and curricula for the training and education requirements to be satisfied by individuals who ^{seek or} possess a license in medicolegal investigation.

(b) Coordinate and provide, on a regional basis, the training and education described in s. 463.10 (3) and (4) (a) 1. and (b) 2.

***NOTE: Please review the changes here. Just to reiterate, this provision creates an ongoing requirement that the Board provide required training and education.

1 (c) Monitor compliance with the licensure requirements under this chapter.

2 (d) Approve instructor certification standards that must be satisfied in order
3 for a person to conduct the training and education required under s. 463.10 (3) and
4 (4) (a) 1. and (b) 2.

5 (e) If a license issued under s. 463.10 is not renewed, do ^{any} ~~whichever~~ of the
6 following ^{that} is applicable with respect to the holder of the license:

7 1. If the holder of the license is a coroner, send a statement to the governor
8 recommending removal of the coroner from office because of the coroner's failure to
9 renew the license.

10 2. If the holder of the license is a nonphysician medical examiner, send a
11 statement to the county board or county executive, if applicable, of any county in
12 which the individual serves recommending dismissal of the nonphysician medical
13 examiner because of the nonphysician medical examiner's failure to renew the
14 license.

15 3. If the holder of the license is a medicolegal investigation staff member, send
16 a notice to the office in which the individual works notifying the coroner or medical
17 examiner of the staff member's failure to renew the license.

***NOTE: Because you said that the license should be renewable on a 4-year cycle and that the Board may in the future require a licensure fee, I had to restructure a number of provisions. Now, submitting compliance with the training and education requirements and any required fee are conditions of renewal (as is typically the case with other credentials) and the Board must notify the Governor, county board, or office of the failure to renew the license, instead of having the Board revoke the license. Are these changes OK?

***NOTE: Nothing in the bill requires the Board to be notified when an individual who must be licensed is elected, hired, or appointed, and nothing requires the Board to be notified if such an individual leaves his or her position. Do you want anything in the bill to address this?

18 (2) POWERS. The board may do any of the following:

- 1 (a) Impose fees for initial licenses or for license renewals under s. 463.10 (2) and
2 (4). If the board imposes any fee under this paragraph, the board shall set the fee
3 at an amount commensurate with the cost of issuing licenses and monitoring
4 compliance with this chapter.

****NOTE: Please review this provision, which allows the Board to establish
licensing fees for initial licenses and license renewals. Does this accomplish your intent?

- 5 (b) Impose a fee for the receipt of training and education provided under sub.
6 (1) (b).

- 7 (c) Promulgate and enforce any rules not inconsistent with this chapter to
8 enforce this chapter.

9 **463.10 License required; requirements to maintain license. (1) LICENSE**
10 **REQUIRED.** (a) Except as provided in par. (b), no person may perform a death
11 investigation or perform the functions of a coroner, medical examiner, or medicolegal
12 investigation staff member without a license in medicolegal investigation issued
13 under this section.

****NOTE: See created section 463.15, below, which makes it a misdemeanor to
practice as a coroner, medical examiner, or medicolegal investigation staff member
without a license or to perform a death investigation without a license. Since performing
death investigations is presumably one of the functions of coroners, medical examiners,
and medicolegal investigation staff members, would it make more sense to remove the
reference to performing a death investigation without a license? Alternatively, do you
want to specify in further detail what the functions of a coroner, medical examiner, or
medicolegal investigation staff member are, for purposes of this provision?

- 14 (b) A physician medical examiner is not required to have a license in
15 medicolegal investigation issued under this section.

16 **(2) ISSUING OF LICENSES. (a) Initial license.** The board shall issue a license in
17 medicolegal investigation to an individual if all of the following are satisfied:

- 18 1. The individual is elected as a coroner, is appointed to fill a vacancy as a
19 coroner, is appointed as a nonphysician medical examiner, or is hired by a coroner
20 or medical examiner to serve as a medicolegal investigation staff member.

2. The individual pays any fee imposed by the board under s. 463.05 (2) (a).

(b) *License renewal.* The renewal date for a license issued under this subsection is specified under s. 440.08 (2) (a). Before any renewal license is delivered to an individual, the individual shall pay any fee established by the board under s. 463.05 (2) (a) and furnish to the board proof of completing all hours of training or education required under sub. (3), subject to any waiver granted under sub. (3) (c).

(3) TRAINING AND EDUCATION REQUIREMENTS. (a) Subject to par. (d), an individual applying for an initial renewal of a license issued under sub. (2) shall satisfy all of the following:

1. Complete 24 hours of training, as prescribed by the board.

2. In addition to the hours of training required under subd. 1., do one of the following:

a. Complete 16 hours of training, as prescribed by the board.

b. Obtain a waiver from the requirement under subd. 2. a. in the method described under par. (c).

(b) An individual applying for a renewal of a license issued under sub. (2) subsequent to the renewal under par. (a) shall complete 24 hours of education as prescribed by the board.

(c) The board may grant a waiver of the training requirement under par. (a) 2.

a. to a coroner, nonphysician medical examiner, or medicolegal investigation staff member who holds a credential, in good standing, from a nationally recognized accreditation organization specializing in death investigation education and who applies to the board for a waiver in the method prescribed by the board.

(d) If an individual is issued an initial license under sub. (2) (a) when there is less than one year remaining until the next license renewal date, par. (a) does not

1 apply to the individual until the individual's first renewal following a full, 4-year
2 licensure term.

***NOTE: Please review the changes to this subsection carefully and let me know
if any further changes are needed.

3 (4) OPTIONAL LICENSE. (a) *Initial license.* The board may issue a license in
4 medicolegal investigation to an individual, other than an individual required to hold
5 a license under sub. (1), who satisfies all of the following criteria:

6 1. The individual successfully completes 40 hours of training, as prescribed by
7 the board, and any additional requirements set by the board.

8 2. The individual applies to the board for a license in the manner prescribed
9 by the board.

10 3. The individual pays any licensing fee imposed by the board under s. 463.05
11 (2) (a).

12 (b) *License renewal.* The renewal date for a license issued under this subsection
13 is specified under s. 440.08 (2) (a). Before any renewal license is delivered to an
14 individual, the individual shall do all of the following:

15 1. Pay any fee established by the board under s. 463.05 (2) (a).

16 2. Furnish to the board proof of completing, in the 4-year period preceding the
17 renewal date, 24 hours of education, as prescribed by the board. This subdivision
18 does not apply to an individual applying for an initial renewal who is issued a license
19 under par. (a) when there is less than one year remaining until the next license
20 renewal date.

***NOTE: Please review this provision, which addresses renewal requirements for
individuals who obtain a license on their own.

21 3. Fulfill any other requirements of licensure as prescribed by the board.

1 us 9-21

1 **463.15 Penalty.** Any person who violates s. 463.10 (1) (a) shall be fined not
2 more than \$1,000 or imprisoned not more than 90 days.

3 **SECTION 12. Nonstatutory provisions.**

4 (1) EXAMINING BOARD; INITIAL TERMS. Notwithstanding the length of terms
5 specified for the members of the medicolegal investigation examining board under
6 section 15.405 (18) of the statutes, as created by this act, initial appointments to the
7 medicolegal investigation examining board shall be made as follows:

8 (a) The forensic pathologist member under section 15.405 (18) (a) of the
9 statutes, as created by this act; the member under section 15.405 (18) (c) of the
10 statutes, as created by this act; the member under section 15.405 (18) (e) of the
11 statutes, as created by this act; and the member under section 15.405 (18) (i) of the
12 statutes, as created by this act, shall be appointed for terms expiring on ^{9 July} May 1, 2016.

13 (b) The coroner member under section 15.405 (18) (a) of the statutes, as created
14 by this act; the member under section 15.405 (18) (b) of the statutes, as created by
15 this act; the member under section 15.405 (18) (d) of the statutes, as created by this
16 act; and the member under section 15.405 (18) (h) of the statutes, as created by this
17 act, shall be appointed for terms expiring on ^{9 July} May 1, 2018.

18 (c) The medical examiner member under section 15.405 (18) (a) of the statutes,
19 as created by this act; the member under section 15.405 (18) (f) of the statutes, as
20 created by this act; and the member under section 15.405 (18) (g) of the statutes, as
21 created by this act, shall be appointed for terms expiring on ^{9 July} May 1, 2020.

22 (2) CURRENTLY SERVING INDIVIDUALS. (a) In this subsection:

23 1. "Medical examiner" means a nonphysician medical examiner or a physician
24 medical examiner.

2. "Medicolegal investigation staff member" includes a chief deputy coroner, a deputy coroner, a deputy medical examiner, and any individual who assists the office of a coroner or medical examiner with an investigation of a death. "Medicolegal investigation staff member" does not include an individual performing solely administrative functions in the office of a coroner or medical examiner.

3. "Nonphysician medical examiner" means an appointed medical examiner who is not a physician.

4. "Physician" has the meaning given in section 448.01 (5) of the statutes.

5. "Physician medical examiner" means an appointed medical examiner who is a physician.

(b) Notwithstanding section 463.10 (2) (a) of the statutes, as created by this act, the medicolegal investigation examining board shall issue an initial license in medicolegal investigation under section 463.10 (2) of the statutes, as created by this act, to every individual who is serving as coroner, nonphysician medical examiner, and medicolegal investigation staff member in this state on the effective date of this paragraph.

(c) 1. Notwithstanding section 463.10 (2) (a) 2. of the statutes, as created by this act, no initial license fee may be imposed for individuals issued an initial license under paragraph (b).

2. Notwithstanding s. 463.05 (2) (b), as created by this act, no fee may be imposed for training provided by the board under s. 463.10 (3) (a) 1. and 2., as created by this act, for individuals issued an initial license under paragraph (b).

SECTION 13. Effective date.

(1) This act takes effect on the first day of the 13th month beginning after publication.

....NOTE: To provide time for appointment of the board, creation of the training programs and education requirements, and other elements of the draft, there should be a delayed effective date. I have inserted a one-year delay for purposes of discussion, but you may want to discuss with DSPS to determine how long it would take to implement the requirements in this draft. You may also want to use an effective date that coincides with the renewal date.

1

(END)

D-note →

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2478/P3ins
MED:.....

INSERT ANALYSIS

Current law provides for the election of coroners for four-year terms by the electors of each county or of more than one county in certain cases, except that a county with a population of more than 500,000 must, and a county with a population of less than 500,000 may, abolish the office of coroner and establish a medical examiner system. Under the medical examiner system, a medical examiner is appointed by the county board or, in populous counties, by the county executive. Current law does not otherwise specify any particular requirements that an individual must fulfill in order to hold the office of coroner or to be appointed as a medical examiner. Coroners and medical examiners have various duties and powers specified by law related to deaths occurring in this state, including receiving reports of deaths, participating in inquest proceedings, determining causes of death, ordering autopsies, administering provisions related to making anatomical gifts, and issuing cremation permits.

Generally, this bill establishes a requirement that coroners, medical examiners, and chief deputy coroners, deputy coroners, deputy medical examiners, and other individuals who assist coroners and medical examiners with death investigations (medicolegal investigation staff members) obtain a license in order to perform death investigations and their other functions and creates a Medicolegal Investigation Examining Board (board) in the Department of Safety and Professional Services to establish and administer these licensure requirements. Specifically, the bill does all of the following:

Licensure of coroners, medical examiners, medicolegal investigators, and others

The bill establishes a prohibition against performing a death investigation or performing the functions of a coroner, medical examiner, or medicolegal investigation staff member without a license in medicolegal investigation issued by the board, except that the bill exempts medical examiners who are physicians licensed by the Medical Examining Board from this requirement. Any person who violates the prohibition may be subject to a fine of not more than \$1,000 and imprisonment of up to 90 days.

The bill requires the board to issue an initial license in medicolegal investigation, at no charge, to every individual who is serving as a coroner, nonphysician medical examiner, and medicolegal investigation staff member in this state on the bill's effective date. The bill requires each such individual to complete, prior to the next license renewal date, 40 hours of training, except that the bill allows an individual who holds a credential, in good standing, from a nationally recognized accreditation organization specializing in death investigation education to receive a waiver from completing 16 of those 40 hours. The bill requires the board to provide, at no cost, the required hours of training to these individuals.

The bill also requires the board to issue a license in medicolegal investigation to any individual who is elected as a coroner, is appointed to fill a vacancy as a coroner, is appointed as a nonphysician medical examiner, or is hired to serve as a medicolegal investigation staff member after the bill's effective date, if the individual

pays any initial license fee imposed by the board. The bill generally requires such an individual to complete 40 hours of training, but similarly allows for a waiver of 16 hours of this training and provides that an individual who was issued his or her initial license with less than one year remaining before the next renewal date, he or she need not complete the 40 hours of training until the following renewal. The bill allows the board to impose a fee for the provision of this training for individuals elected, appointed, or hired after the bill's effective date.

Finally, the bill allows an individual who is not serving as a coroner, medical examiner, or medicolegal investigator to obtain a license in medicolegal investigation from the board if he or she first completes 40 hours of training and pays any licensure fee established by the board.

The bill provides that the renewal date for any license in medicolegal investigation is January 1, 2015, and every four years thereafter. In order to renew a license, a license holder must pay any renewal fee imposed by the board and complete any required training or, for subsequent renewals, complete 24 hours of education.

Medicolegal Investigation Examining Board; powers and duties

The bill provides for the creation of the eleven-member board, to be composed of a coroner; a medical examiner; a forensic pathologist; a funeral director; members of three specified law enforcement organizations; a member of the Wisconsin Counties Association; the attorney general or his or her designee; the state public defender or his or her designee; and one public member, appointed for six-year terms. The bill requires the board to do all of the following:

1. Promulgate rules specifying standards and curricula for training and education requirements for individuals holding a license in medicolegal investigation issued by the board.

2. Coordinate and provide, on a regional basis, training and education for holders of licenses issued by the board.

3. Monitor compliance with the licensure requirements created by the bill.

The bill also requires the board, if a license is not renewed for any reason, to do any of the following that applies to the license holder:

1. If the license holder is a coroner, send a statement to the Governor recommending removal of the coroner from office because of the coroner's failure to renew the license.

2. If the license holder is a medical examiner who is not a licensed physician, send a statement to the county board or county executive, if applicable, of any county in which the license holder serves, recommending dismissal of the nonphysician medical examiner because of the nonphysician medical examiner's failure to renew the license.

3. If the license holder is a medicolegal investigation staff member, send a notice to the office in which the individual works notifying the coroner or medical examiner of the staff member's failure to renew the license.

4. Provide the required training and education to license holders. The bill allows the board to impose fees for licenses issued after the bill's effective date and

for license renewals, and to impose fees for providing training to those licensed after the bill's effective date and for providing the education required to renew a license.

The bill requires an individual who is elected as a coroner, is appointed to fill a vacancy as a coroner, is appointed as a nonphysician medical examiner, or is hired to serve as a medicolegal investigation staff member, and who leaves his or her position as a coroner, medical examiner, or medicolegal investigation staff member, to so inform the board.

The bill appropriates to the board all moneys received from training, education, and licensure fees and appropriates additional GPR funding to the board for the purpose of carrying out its functions.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

9 (B) (5) BOARD NOTIFICATION REQUIREMENT
CS
INSERT 11-6 9-21

- 1 (c) An individual who is elected as a coroner, is appointed to fill a vacancy as
2 a coroner, is appointed as a nonphysician medical examiner, or is hired by a coroner
3 or medical examiner to serve as a medicolegal investigation staff member shall, if he
4 or she leaves his or her position as a coroner, medical examiner, or medicolegal
5 investigation staff member, so inform the board.

INSERT 11-6

- 6 a medical examiner appointed under section 59.34 (1) (a) or 59.38 (5) of the
7 statutes who is not a physician.

INSERT 11-9

- 8 a medical examiner appointed under section 59.34 (1) (a) or 59.38 (5) of the
9 statutes who is a physician.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2478/P3dn

MED:::...

eev

Date

a
Note that I corrected an error regarding the appointment of initial members of the board, changing references to expiration dates of initial terms from May 1 to July 1. May 1 is the expiration date of terms of officers on other boards, but for examining boards, the correct date is July 1.

Michael Duchek
Legislative Attorney
Phone: (608) 266-0130
E-mail: michael.duchek@legis.wisconsin.gov

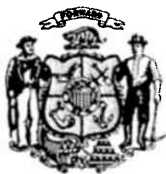
**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2478/P3dn
MED:eev:jf

August 20, 2013

Note that I corrected an error regarding the appointment of initial members of the board, changing references to expiration dates of initial terms from May 1 to July 1. May 1 is the expiration date of terms of officers on other boards, but for examining boards, the correct date is July 1.

Michael Duchek
Legislative Attorney
Phone: (608) 266-0130
E-mail: michael.duchek@legis.wisconsin.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2478/P3
TJD&MED:sac&eev:jf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to amend* 20.165 (1) (g), 440.03 (9) (a) (intro.) and 440.05 (intro.); and *to*
2 *create* 15.405 (18), 20.165 (1) (b), 20.165 (1) (hr), 440.03 (9) (bm), 440.03 (13)
3 (b) 38m., 440.08 (2) (a) 46t. and chapter 463 of the statutes; **relating to:**
4 creating a medicolegal investigation examining board; licensure of coroners,
5 medical examiners, and medicolegal investigation staff members; granting
6 rule-making authority; making an appropriation; and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law provides for the election of coroners for four-year terms by the electors of each county or of more than one county in certain cases, except that a county with a population of more than 500,000 must, and a county with a population of less than 500,000 may, abolish the office of coroner and establish a medical examiner system. Under the medical examiner system, a medical examiner is appointed by the county board or, in populous counties, by the county executive. Current law does not otherwise specify any particular requirements that an individual must fulfill in order to hold the office of coroner or to be appointed as a medical examiner. Coroners and medical examiners have various duties and powers specified by law related to deaths occurring in this state, including receiving reports of deaths, participating in inquest proceedings, determining causes of death, ordering autopsies, administering provisions related to making anatomical gifts, and issuing cremation permits.

Generally, this bill establishes a requirement that coroners, medical examiners, and chief deputy coroners, deputy coroners, deputy medical examiners, and other individuals who assist coroners and medical examiners with death investigations (medicolegal investigation staff members) obtain a license in order to perform death investigations and their other functions and creates a Medicolegal Investigation Examining Board (board) in the Department of Safety and Professional Services to establish and administer these licensure requirements. Specifically, the bill does all of the following:

Licensure of coroners, medical examiners, medicolegal investigators, and others

The bill establishes a prohibition against performing a death investigation or performing the functions of a coroner, medical examiner, or medicolegal investigation staff member without a license in medicolegal investigation issued by the board, except that the bill exempts medical examiners who are physicians licensed by the Medical Examining Board from this requirement. Any person who violates the prohibition may be subject to a fine of not more than \$1,000 and imprisonment of up to 90 days.

The bill requires the board to issue an initial license in medicolegal investigation, at no charge, to every individual who is serving as a coroner, nonphysician medical examiner, and medicolegal investigation staff member in this state on the bill's effective date. The bill requires each such individual to complete, prior to the next license renewal date, 40 hours of training, except that the bill allows an individual who holds a credential, in good standing, from a nationally recognized accreditation organization specializing in death investigation education to receive a waiver from completing 16 of those 40 hours. The bill requires the board to provide, at no cost, the required hours of training to these individuals.

The bill also requires the board to issue a license in medicolegal investigation to any individual who is elected as a coroner, is appointed to fill a vacancy as a coroner, is appointed as a nonphysician medical examiner, or is hired to serve as a medicolegal investigation staff member after the bill's effective date, if the individual pays any initial license fee imposed by the board. The bill generally requires such an individual to complete 40 hours of training, but similarly allows for a waiver of 16 hours of this training and provides that an individual who was issued his or her initial license with less than one year remaining before the next renewal date need not complete the 40 hours of training until the following renewal. The bill allows the board to impose a fee for the provision of this training for individuals elected, appointed, or hired after the bill's effective date.

Finally, the bill allows an individual who is not serving as a coroner, medical examiner, or medicolegal investigator to obtain a license in medicolegal investigation from the board if he or she first completes 40 hours of training and pays any licensure fee established by the board.

The bill provides that the renewal date for any license in medicolegal investigation is January 1, 2015, and every four years thereafter. In order to renew a license, a license holder must pay any renewal fee imposed by the board and

complete any required training or, for subsequent renewals, complete 24 hours of education.

Medicolegal Investigation Examining Board; powers and duties

The bill provides for the creation of the eleven-member board, to be composed of a coroner; a medical examiner; a forensic pathologist; a funeral director; members of three specified law enforcement organizations; a member of the Wisconsin Counties Association; the attorney general or his or her designee; the state public defender or his or her designee; and one public member, appointed for six-year terms. The bill requires the board to do all of the following:

1. Promulgate rules specifying standards and curricula for training and education requirements for individuals holding a license in medicolegal investigation issued by the board.

2. Coordinate and provide, on a regional basis, training and education for holders of licenses issued by the board.

3. Monitor compliance with the licensure requirements created by the bill.

The bill also requires the board, if a license is not renewed for any reason, to do any of the following that applies to the license holder:

1. If the license holder is a coroner, send a statement to the Governor recommending removal of the coroner from office because of the coroner's failure to renew the license.

2. If the license holder is a medical examiner who is not a licensed physician, send a statement to the county board or county executive, if applicable, of any county in which the license holder serves, recommending dismissal of the nonphysician medical examiner because of the nonphysician medical examiner's failure to renew the license.

3. If the license holder is a medicolegal investigation staff member, send a notice to the office in which the individual works notifying the coroner or medical examiner of the staff member's failure to renew the license.

4. Provide the required training and education to license holders. The bill allows the board to impose fees for licenses issued after the bill's effective date and for license renewals, and to impose fees for providing training to those licensed after the bill's effective date and for providing the education required to renew a license.

The bill requires an individual who is elected as a coroner, is appointed to fill a vacancy as a coroner, is appointed as a nonphysician medical examiner, or is hired to serve as a medicolegal investigation staff member, and who leaves his or her position as a coroner, medical examiner, or medicolegal investigation staff member, to so inform the board.

The bill appropriates to the board all moneys received from training, education, and licensure fees and appropriates additional GPR funding to the board for the purpose of carrying out its functions.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.405 (18) of the statutes is created to read:

2 **15.405 (18) MEDICOLEGAL INVESTIGATION EXAMINING BOARD.** There is created a
3 medicolegal investigation examining board in the department of safety and
4 professional services that shall consist of the following members appointed for
5 6-year terms:

6 (a) One coroner, one medical examiner, and one forensic pathologist, each of
7 whom are members of the Wisconsin Coroners and Medical Examiners Association.

8 (b) One licensed funeral director.

9 (c) One member of the Wisconsin District Attorneys' Association.

10 (d) One member of the Wisconsin Sheriffs and Deputy Sheriffs Association.

11 (e) One member of the Wisconsin Chiefs of Police Association.

12 (f) One member of the Wisconsin Counties Association.

13 (g) The attorney general or his or her designee.

14 (h) The state public defender or his or her designee.

15 (i) One public member.

16 **SECTION 2.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
17 the following amounts for the purposes indicated:

1 2013-14 2014-15

2 **20.165 Safety and professional services,**
3 **department of**

4 (1) PROFESSIONAL REGULATION AND ADMINISTRATIVE
5 SERVICES

6 (b) Medicolegal investigation
7 examining board; general pur-
8 pose revenue GPR B 750,000 750,000

9 **SECTION 3.** 20.165 (1) (b) of the statutes is created to read:

10 20.165 (1) (b) *Medicolegal investigation examining board; general purpose*
11 *revenue.* Biennially, the amounts in the schedule to provide training and education
12 to individuals licensed under s. 463.10 and to support the medicolegal investigation
13 examining board in performing its duties and functions.

14 **SECTION 4.** 20.165 (1) (g) of the statutes, as affected by 2013 Wisconsin Act 20,
15 is amended to read:

16 20.165 (1) (g) *General program operations.* The amounts in the schedule for
17 the licensing, rule making, and regulatory functions of the department, other than
18 the licensing, rule-making, and credentialing functions of the medical examining
19 board and the affiliated credentialing boards attached to the medical examining
20 board and except for preparing, administering, and grading examinations. Ninety
21 percent of all moneys received under chs. 440 to 480, except ~~ch.~~ chs. 448 and 463 and
22 ss. 440.03 (13), and 440.05 (1) (b), ~~and~~, less \$10 of each renewal fee received under
23 s. 452.12 (5); all moneys transferred from the appropriation under par. (i); and all
24 moneys received under s. 440.055 (2), shall be credited to this appropriation.

1 **SECTION 5.** 20.165 (1) (hr) of the statutes is created to read:

2 20.165 (1) (hr) *Medicolegal investigation examining board; program revenues.*

3 All moneys received from fees imposed for providing training and education under
4 s. 463.05 (2) (b) and all moneys received from fees imposed for licenses issued under
5 s. 463.10 to provide training and education to individuals licensed under s. 463.10
6 and to support the medicolegal investigation examining board in performing its
7 duties and functions.

8 **SECTION 6.** 440.03 (9) (a) (intro.) of the statutes is amended to read:

9 440.03 (9) (a) Subject to pars. (b) and (c) and except as provided in par. (bm),
10 the department shall, biennially, determine each fee for an initial credential for
11 which no examination is required, for a reciprocal credential, and for a credential
12 renewal by doing all of the following:

13 **SECTION 7.** 440.03 (9) (bm) of the statutes is created to read:

14 440.03 (9) (bm) The medicolegal investigation examining board may determine
15 the amount of any fees imposed for licenses issued under s. 463.10, in accordance
16 with s. 463.05 (2) (a).

17 **SECTION 8.** 440.03 (13) (b) 38m. of the statutes is created to read:

18 440.03 (13) (b) 38m. Medicolegal investigator.

19 **SECTION 9.** 440.05 (intro.) of the statutes, as affected by 2013 Wisconsin Act 20,
20 is amended to read:

21 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
22 credentials, except as provided in ss. 440.51, 444.03, 444.11, 446.02 (2) (c), 447.04 (2)
23 (c) 2., 449.17 (1m) (d), and 449.18 (2) (d), and 463.05 (2) (a):

24 **SECTION 10.** 440.08 (2) (a) 46t. of the statutes is created to read:

440.08 (2) (a) 46t. Medicolegal investigation: January 1, 2015, and every 4 years thereafter.

SECTION 11. Chapter 463 of the statutes is created to read:

CHAPTER 463

MEDICOLEGAL INVESTIGATION

463.01 Definitions. In this chapter:

(1) "Board" means the medicolegal investigation examining board.

(2) “Medical examiner” means a nonphysician medical examiner or a physician medical examiner.

(3) “Medicolegal investigation staff member” includes a chief deputy coroner, a deputy coroner, a deputy medical examiner, and any individual who assists the office of a coroner or medical examiner with an investigation of a death. “Medicolegal investigation staff member” does not include an individual performing solely administrative functions in the office of a coroner or medical examiner.

(4) “Nonphysician medical examiner” means a medical examiner appointed under s. 59.34 (1) (a) or 59.38 (5) who is not a physician.

(5) “Physician” has the meaning given in s. 448.01 (5).

(6) "Physician medical examiner" means a medical examiner appointed under s. 59.34 (1) (a) or 59.38 (5) who is a physician.

463.05 Powers and duties of board. (1) DUTIES. The board shall do all of the following:

(a) Promulgate rules specifying standards and curricula for the training and education requirements to be satisfied by individuals who seek or possess a license in medicolegal investigation.

1 (b) Coordinate and provide, on a regional basis, the training and education
2 described in s. 463.10 (3) and (4) (a) 1. and (b) 2.

3 (c) Monitor compliance with the licensure requirements under this chapter.

4 (d) Approve instructor certification standards that must be satisfied in order
5 for a person to conduct the training and education required under s. 463.10 (3) and
6 (4) (a) 1. and (b) 2.

7 (e) If a license issued under s. 463.10 is not renewed, do any of the following that
8 is applicable with respect to the holder of the license:

9 1. If the holder of the license is a coroner, send a statement to the governor
10 recommending removal of the coroner from office because of the coroner's failure to
11 renew the license.

12 2. If the holder of the license is a nonphysician medical examiner, send a
13 statement to the county board or county executive, if applicable, of any county in
14 which the individual serves recommending dismissal of the nonphysician medical
15 examiner because of the nonphysician medical examiner's failure to renew the
16 license.

17 3. If the holder of the license is a medicolegal investigation staff member, send
18 a notice to the office in which the individual works notifying the coroner or medical
19 examiner of the staff member's failure to renew the license.

20 (2) POWERS. The board may do any of the following:

21 (a) Impose fees for initial licenses or for license renewals under s. 463.10 (2) and
22 (4). If the board imposes any fee under this paragraph, the board shall set the fee
23 at an amount commensurate with the cost of issuing licenses and monitoring
24 compliance with this chapter.

1 (b) Impose a fee for the receipt of training and education provided under sub.
2 (1) (b).

3 (c) Promulgate and enforce any rules not inconsistent with this chapter to
4 enforce this chapter.

5 **463.10 License required; requirements to maintain license. (1) LICENSE**
6 **REQUIRED.** (a) Except as provided in par. (b), no person may perform a death
7 investigation or perform the functions of a coroner, medical examiner, or medicolegal
8 investigation staff member without a license in medicolegal investigation issued
9 under this section.

10 (b) A physician medical examiner is not required to have a license in
11 medicolegal investigation issued under this section.

12 **(2) ISSUING OF LICENSES.** (a) *Initial license.* The board shall issue a license in
13 medicolegal investigation to an individual if all of the following are satisfied:

14 1. The individual is elected as a coroner, is appointed to fill a vacancy as a
15 coroner, is appointed as a nonphysician medical examiner, or is hired by a coroner
16 or medical examiner to serve as a medicolegal investigation staff member.

17 2. The individual pays any fee imposed by the board under s. 463.05 (2) (a).

18 (b) *License renewal.* The renewal date for a license issued under this subsection
19 is specified under s. 440.08 (2) (a). Before any renewal license is delivered to an
20 individual, the individual shall pay any fee established by the board under s. 463.05
21 (2) (a) and furnish to the board proof of completing all hours of training or education
22 required under sub. (3), subject to any waiver granted under sub. (3) (c).

23 **(3) TRAINING AND EDUCATION REQUIREMENTS.** (a) Subject to par. (d), an individual
24 applying for an initial renewal of a license issued under sub. (2) shall satisfy all of
25 the following:

1 1. Complete 24 hours of training, as prescribed by the board.

2 2. In addition to the hours of training required under subd. 1., do one of the
3 following:

4 a. Complete 16 hours of training, as prescribed by the board.

5 b. Obtain a waiver from the requirement under subd. 2. a. in the method
6 described under par. (c).

7 (b) An individual applying for a renewal of a license issued under sub. (2)
8 subsequent to the renewal under par. (a) shall complete 24 hours of education, as
9 prescribed by the board.

10 (c) The board may grant a waiver of the training requirement under par. (a) 2.
11 a. to a coroner, nonphysician medical examiner, or medicolegal investigation staff
12 member who holds a credential, in good standing, from a nationally recognized
13 accreditation organization specializing in death investigation education and who
14 applies to the board for a waiver in the method prescribed by the board.

15 (d) If an individual is issued an initial license under sub. (2) (a) when there is
16 less than one year remaining until the next license renewal date, par. (a) does not
17 apply to the individual until the individual's first renewal following a full, 4-year
18 licensure term.

19 (4) OPTIONAL LICENSE. (a) *Initial license.* The board may issue a license in
20 medicolegal investigation to an individual, other than an individual required to hold
21 a license under sub. (1), who satisfies all of the following criteria:

22 1. The individual successfully completes 40 hours of training, as prescribed by
23 the board, and any additional requirements set by the board.

24 2. The individual applies to the board for a license in the manner prescribed
25 by the board.

1 3. The individual pays any licensing fee imposed by the board under s. 463.05
2 (2) (a).

3 (b) *License renewal.* The renewal date for a license issued under this subsection
4 is specified under s. 440.08 (2) (a). Before any renewal license is delivered to an
5 individual, the individual shall do all of the following:

6 1. Pay any fee established by the board under s. 463.05 (2) (a).

7 2. Furnish to the board proof of completing, in the 4-year period preceding the
8 renewal date, 24 hours of education, as prescribed by the board. This subdivision
9 does not apply to an individual applying for an initial renewal who is issued a license
10 under par. (a) when there is less than one year remaining until the next license
11 renewal date.

12 3. Fulfill any other requirements of licensure as prescribed by the board.

13 (5) **BOARD NOTIFICATION REQUIREMENT.** An individual who is elected as a coroner,
14 is appointed to fill a vacancy as a coroner, is appointed as a nonphysician medical
15 examiner, or is hired by a coroner or medical examiner to serve as a medicolegal
16 investigation staff member shall, if he or she leaves his or her position as a coroner,
17 medical examiner, or medicolegal investigation staff member, so inform the board.

18 **463.15 Penalty.** Any person who violates s. 463.10 (1) (a) shall be fined not
19 more than \$1,000 or imprisoned not more than 90 days.

20 **SECTION 12. Nonstatutory provisions.**

21 (1) **EXAMINING BOARD; INITIAL TERMS.** Notwithstanding the length of terms
22 specified for the members of the medicolegal investigation examining board under
23 section 15.405 (18) of the statutes, as created by this act, initial appointments to the
24 medicolegal investigation examining board shall be made as follows:

1 (a) The forensic pathologist member under section 15.405 (18) (a) of the
2 statutes, as created by this act; the member under section 15.405 (18) (c) of the
3 statutes, as created by this act; the member under section 15.405 (18) (e) of the
4 statutes, as created by this act; and the member under section 15.405 (18) (i) of the
5 statutes, as created by this act, shall be appointed for terms expiring on July 1, 2016.

6 (b) The coroner member under section 15.405 (18) (a) of the statutes, as created
7 by this act; the member under section 15.405 (18) (b) of the statutes, as created by
8 this act; the member under section 15.405 (18) (d) of the statutes, as created by this
9 act; and the member under section 15.405 (18) (h) of the statutes, as created by this
10 act, shall be appointed for terms expiring on July 1, 2018.

11 (c) The medical examiner member under section 15.405 (18) (a) of the statutes,
12 as created by this act; the member under section 15.405 (18) (f) of the statutes, as
13 created by this act; and the member under section 15.405 (18) (g) of the statutes, as
14 created by this act, shall be appointed for terms expiring on July 1, 2020.

15 (2) CURRENTLY SERVING INDIVIDUALS. (a) In this subsection:

16 1. "Medical examiner" means a nonphysician medical examiner or a physician
17 medical examiner.

18 2. "Medicolegal investigation staff member" includes a chief deputy coroner, a
19 deputy coroner, a deputy medical examiner, and any individual who assists the office
20 of a coroner or medical examiner with an investigation of a death. "Medicolegal
21 investigation staff member" does not include an individual performing solely
22 administrative functions in the office of a coroner or medical examiner.

23 3. "Nonphysician medical examiner" means a medical examiner appointed
24 under section 59.34 (1) (a) or 59.38 (5) of the statutes who is not a physician.

25 4. "Physician" has the meaning given in section 448.01 (5) of the statutes.

1 5. “Physician medical examiner” means a medical examiner appointed under
2 section 59.34 (1) (a) or 59.38 (5) of the statutes who is a physician.

(b) Notwithstanding section 463.10 (2) (a) of the statutes, as created by this act, the medicolegal investigation examining board shall issue an initial license in medicolegal investigation under section 463.10 (2) of the statutes, as created by this act, to every individual who is serving as coroner, nonphysician medical examiner, and medicolegal investigation staff member in this state on the effective date of this paragraph.

9 (c) 1. Notwithstanding section 463.10 (2) (a) 2. of the statutes, as created by this
10 act, no initial license fee may be imposed for individuals issued an initial license
11 under paragraph (b).

2. Notwithstanding s. 463.05 (2) (b), as created by this act, no fee may be imposed for training provided by the board under s. 463.10 (3) (a) 1. and 2., as created by this act, for individuals issued an initial license under paragraph (b).

15 **SECTION 13. Effective date.**

16 (1) This act takes effect on the first day of the 13th month beginning after
17 publication.

18 (END)